



STATE OF OKLAHOMA  
ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION

MINUTES OF THE ABLE COMMISSION MEETING  
June 24, 2022

The filing of the meeting and posting of the agenda were in accordance with the Oklahoma Open Meeting Act. Notice of the meeting was filed with the Secretary of State on October 20, 2021. The agenda was posted on June 22, 2022, on the front and back doors of the 50 Northeast 23<sup>rd</sup> Street building in Oklahoma City, the door of the ABLE Commission's Office Reception area, and the ABLE Commission website.

Chairman Graves called the meeting to order at 10:00 a.m. at the office of the Alcoholic Beverage Laws Enforcement (ABLE) Commission at 50 Northeast 23<sup>rd</sup> Street, Oklahoma City, OK 73105. A quorum was met with the presence of the following Commission members: Devin Graves; James Willyard; Jonathan Brooks; Matthew Crook; Keith Mitchell; and A. Ainslie Stanford II. The others present were: Tricia Everest, Cabinet Secretary for the Department of Public Safety for the State of Oklahoma; J.B. Jarboe, Southern Glazers Wine & Spirits of Oklahoma; Jose Almanzar, Homeland; Collin Graham, Oklahoma Restaurant Association; Cody Smith, LegisOK; Emily Morrow, Oklahoma Department of Mental Health & Substance Abuse Services; Sydney Lee, eCapitol; Justin Naifeh, Republic National Distributing Company; Audrey Renegar, Amber Integrated; and Spencer Guinn, Guinn Strategies. Oklahoma ABLE Commission employees attending were: Director Keith Burt; Assistant Director Brent Fairchild; Administrative Law Judge Luke Simms; Staff Attorney Andrew Koester; Captain Erik Smoot; Agent Kristen Wilson; and Office Assistants Shae Isaacs and Kimberly Yates.

Commissioner Willyard made a motion to approve the minutes from the May 20, 2022, Commission meeting. Commissioner Mitchell seconded the motion. A roll call vote was taken and recorded as follows:

- Chairman Devin Graves – Yes
- Commissioner James Willyard – Yes
- Commissioner Jonathan Brooks – Yes
- Commissioner Matthew Crook – Yes
- Commissioner Keith Mitchell – Yes
- Commissioner A. Ainslie Stanford II – Abstain

Director Burt recognized Agent Melissa Galvez for 5 years of service to the State of Oklahoma.

Chairman Graves moved to Item #4, election of a Chairman for fiscal year 2023. Commissioner Brooks made a motion to nominate Commissioner Willyard for Chairman for fiscal year 2023. Commissioner Crook seconded the motion. A roll call vote was taken and recorded as follows:

- Chairman Devin Graves – Yes
- Commissioner James Willyard – Abstain
- Commissioner Jonathan Brooks – Yes
- Commissioner Matthew Crook – Yes
- Commissioner Keith Mitchell – Yes
- Commissioner A. Ainslie Stanford II – Yes

Chairman Graves moved to Item #5, election of a Vice Chairman for fiscal year 2023. Commissioner Willyard made a motion to nominate Commissioner Brooks for Vice Chairman for fiscal year 2023. Commissioner Crook seconded the motion. A roll call vote was taken and recorded as follows:

Chairman Devin Graves – Yes  
Commissioner James Willyard – Yes  
Commissioner Jonathan Brooks – Abstain  
Commissioner Matthew Crook – Yes  
Commissioner Keith Mitchell – Yes  
Commissioner A. Ainslie Stanford II – Yes

Director Burt recognized Commissioner Devin Graves for his 10 years of service to the ABLE Commission and the State of Oklahoma.

Director Burt recognized new ABLE Commissioner A. Ainslie Stanford II and welcomed him to the ABLE Commission.

#### DIRECTOR'S REPORT:

- Director Burt recognized Staff Attorney Andrew Koester regarding clarification of the ambiguities concerning the prohibition from offering certain inducements. Mr. Koester provided the Commissioners with a letter submitted to the industry members regarding clarification of the allowed acts.
- Director Burt introduced Assistant Director Brent Fairchild regarding the presentation of the new ABLE Commission badges. Mr. Fairchild had a major role in the design of the unique badges for the agents.
- Director Burt recognized Captain Erik Smoot. Captain Smoot, who is the liaison for the ABLE Commission for the Emergency Management Plan, gave a brief synopsis of the duties that are required when the ABLE Commission is requested for assistance during critical or crucial times for Oklahoma.
- Director Burt informed the Commission of the recent status of the posting of the Director's position.
- Captain Erik Smoot also discussed the updated penalties for tobacco in an effort to prevent underage tobacco use.
- Director Burt informed the Commission that a vote to allow alcohol Sunday sales in retail stores will take place on June 28, 2022 for 3 Oklahoma counties. An update will be provided at a later date.
- Director Burt stated that the next meeting of the ABLE Commission will be in 4 weeks on Friday, July 22, 2022, at 10:00am.

Assistant Director Brent Fairchild presented the following Enforcement Report to the Commissioners:

- ABLE agents completed 100 FDA tobacco inspections and 65 alcohol compliance checks.
- ABLE agents from all districts volunteered their time to help with the Special Olympics in Stillwater.
- ABLE agents from the ABLE Education Unit conducted an investigation in the Oklahoma City metro area which resulted in 304 bottles of alcohol being seized.
- ABLE agent Cody Rekstad assisted in a rescue of several individuals from a potential drowning situation while he was off duty, while he and his family were on vacation in San Angelo, Texas.
- Agents investigated various complaints along with conducting bar compliance checks in Canadian, Garvin, Mayes, Pottawatomie, Osage, Tulsa, McClain, Cleveland, Pittsburg, Rogers, Oklahoma, Blaine, Bryan, Wagoner, Payne, and Comanche counties.
- Agents attended meetings and trainings with the Annual Renaissance Festival, OPPA Alcohol Committee, Alcohol Action Network, Avian Flu Briefing, Memorial Day Press Conference, Grand River Dam Authority, Identifying Drugs and Vaping In The Workplace class in Catoosa, Moonshine Recognition Training Class at the Oklahoma Sheriff's Association, Oklahoma Department of Mental Health, Lawton/Ft. Sill Community Coalition, and TSET Task Force.

- Agents also provided assistance and made courtesy visits to the Durant Police Department, El Reno Police Department, Payne County Sheriff's Office, Locust Grove Police Department, Shawnee Police Department, Newcastle Police Department, Owasso Police Department, Oklahoma City Police Department, Cleveland County Sheriff's Office, Blaine County Sheriff's Office, Rogers County Police Department, Oklahoma County Sheriff's Office, Tulsa County Sheriff's Office, Tulsa Police Department, and the Oklahoma Highway Patrol.

- Director Burt presented a fiscal summary for the state of Oklahoma and the ABLE Commission's revenue collections. The State of Oklahoma for May 2022 revenues were up 5% over May 2021 collections. This is the slowest rate of growth in ten months. The Oklahoma current annual inflation rate is 8.3%. Energy prices are up 30.3% over a year ago and food is up 9.4%

ABLE collections for May of 2022 are up over 12% from May 2021 and for the last year, are up 2/3 of 1% with one month to go in the fiscal year. This will make ABLE's 8<sup>th</sup> straight year of year-over-year growth.

The ABLE Budget Work Program for fiscal year 2023 has been submitted and it is just over \$6.6 million with only about \$2.8 million requested from the General Revenue Fund.

- Staff Attorney Andrew Koester gave the legislative review for the following bills that may affect the ABLE Commission: HB2036; HB3002; HB3315; HB3415; HB3615; SB757; SB1708; SB1749; and SB1784.

Chairman Graves moved to Item #8 on the agenda, approval, or disapproval of the re-certification of the training program applicant's curriculum of instruction pursuant to OAC 45:15-3-1. Captain Erik Smoot stated that the program meets the standards for re-certification. Commissioner Willyard made a motion that the Commission approve the recommended responsible beverage program trainers: Casey's General Stores: Selling Age Restricted Products – Oklahoma, Shack Family Restaurants: Oklahoma Server Training and 360training.com, INC: and Learn2Serve Oklahoma (Re-certification Only). Commissioner Brooks seconded the motion. A roll call vote was taken and recorded:

Chairman Devin Graves – Yes  
Commissioner James Willyard – Yes  
Commissioner Jonathan Brooks – Yes  
Commissioner Matthew Crook – Yes  
Commissioner Keith Mitchell – Yes  
Commissioner A. Ainslie Stanford II – Yes

Chairman Graves moved to Item #11, comments from the public.

- Jose Almazar with Homeland inquired about the ban on Juul vaping products and Senate Bill 1708. Staff Attorney Andrew Koester stated that he will research for more information and relay that as soon as possible.
- Tricia Everest, Cabinet Secretary for the Department of Public Safety for the State of Oklahoma welcomed the new ABLE Commissioner, A. Ainslie Stanford, and congratulated Chairman Devin Graves on his many years of service to the ABLE Commission and the State of Oklahoma.
- Collin Graham with the Oklahoma Restaurant Association thanked Captain Erik Smoot and the ABLE Commission for their assistance with training certifications.
- Commissioner Devin Graves expressed his positive sentiments on his years of service to the ABLE Commission and the State of Oklahoma.

Chairman Graves moved on to Item #12, Executive Session to discuss filling the position of the retiring Director. Commissioner Willyard made a motion to move into Executive Session. Commissioner Brooks seconded the motion. A roll call vote was taken and recorded as follows:

Chairman Devin Graves – Yes  
Commissioner James Willyard – Yes  
Commissioner Jonathan Brooks – Yes  
Commissioner Matthew Crook – Yes  
Commissioner Keith Mitchell – Yes  
Commissioner A. Ainslie Stanford II – Yes

Chairman Graves called the meeting to order and called for a motion to return from Executive Session. Commissioner Brooks made the motion to return from Executive Session. Commissioner Mitchell seconded the motion. A roll call vote was taken and recorded as follows:

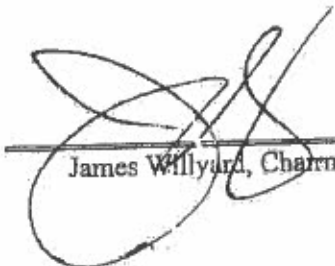
Chairman Devin Graves – Yes  
Commissioner James Willyard – Yes  
Commissioner Jonathan Brooks – Yes  
Commissioner Matthew Crook – Yes  
Commissioner Keith Mitchell – Yes  
Commissioner A. Ainslie Stanford II – Yes

No action was taken during Executive Session.

Commissioner Mitchell made a motion to adjourn the meeting. Commissioner Crook seconded the motion. A roll call vote was taken and recorded as follows:

Chairman Devin Graves – Yes  
Commissioner James Willyard – Yes  
Commissioner Jonathan Brooks – Yes  
Commissioner Matthew Crook – Yes  
Commissioner Keith Mitchell – Yes  
Commissioner A. Ainslie Stanford II – Yes

The meeting was then adjourned.

  
James Willyard, Chairman.